IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5733 OF 2004

Shivraj Haribhau Jagtap ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. A.P. Mundargi, for Mr. S.R. Mithase, for the Applicant.

Mr. K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

20th December 2004

P.C.:

. The offence in question is alleged to have been committed on 6th March 2004, whereas the complaint has been registered on 21st November 2004. Without going into the arguments canvassed before this Court at the instance of the Applicant, the appropriate course, to my mind, is to direct the investigating officer to give 72 hours' advance notice to the Applicant in the event he decides to arrest the Applicant

after collecting some evidence, so as to indicate complicity of the Applicant. This order is being passed as the learned A.P.P. fairly accepts that except the statement as made by the prosecutrix, no other material is available with the investigating officer. Accordingly, the application is disposed of with the direction to the investigating officer to give 72 hours' advance notice to the Applicant before arrest, so as to enable the Applicant to take recourse to the remedy as may be permissible by law.

. Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)